

**CITY OF TAYLORSVILLE
CITY COMMISSION
REGULAR MEETING**

December 6, 2011

The City of Taylorsville City Commission held a Regular meeting on Tuesday, December 6, 2011 at 5:00 p.m., at the City Hall Annex.

Present were:

Don Pay, Mayor
Beverly Ingram, Commissioner
Nathan Nation, Commissioner
Kathy Spears, Commissioner
Larry Walldridge, Commissioner

Staff present:

John Dale, Jr. City Attorney
Steve Biven, City Clerk
Harold Compton, Public Works Director

Randy McConnell, Comptroller
Toby Lewis, Police Chief
Roxann Thompson, Co-Treasurer

Item #1

Mayor Pay called the meeting to order at 5 p.m. and led the group in prayer followed by a recital of the Pledge of Allegiance.

Item #2 – ***Consent Calendar***

Motion made by Commissioner Nation and seconded by Commissioner Walldridge to approve the Consent Calendar for November, 2011. Motion carried 5-0.

Item #3 – ***Committee Reports***

a) Engineering Projects (Sisler – Maggard Engineering PLLC)

Kevin Sisler reported that pumping continues, as it is necessary to fill lagoon #1 at the Wastewater Treatment Plant. With the lagoon being 18 inches light, one more day of pumping will be required. Henry P. Thompson Company has tested the UV pit and muffin monster. Date of completion in compliance with the contract is February 8, 2012. Pace Contracting hopes to be finished by January 1, 2012.

Mr. Sisler stated that the bids taken on the Highway 44 Sewer Line Extension Project were all over budget asking for direction from the commission. Mr. Sisler also stated that he had a survey crew to reshoot the elevation to maybe shallow up in places to reduce costs. They are looking into several different options in their attempt to stay in the vicinity of the budgeted amount of \$270,000. These reports will be provided to the commission as soon as received by Mr. Sisler. Steve Biven, City Clerk said that Eagles Motel had expressed an interest in hooking on to the sewer line. Mr. Sisler is communicating with the school concerning sewer availability for the new school sites.

Documentation of Award was presented to Power-Tel for the electrical work to be performed on Main Street.

Sisler – Maggard Engineering has provided a map of city boundaries to City Attorney John Dale to be submitted to the Secretary of State. This information will also be required for Census Data.

Commissioner Nation updated the Commission on what fiscal court has been involved with regarding a sewer collection system. They will be approaching the city with proposals that will involve the city.

b) Main Street (Gordon Deapen)

Mr. Deapen stated that Christmas on Main Street went very well and thanked everyone for their support.

Mr. Deapen said that a motion had passed to authorize the use of debit cards. The President and Secretary of the Main Street Committee are the only members on the account, they will be the only ones authorized to use the debt cards. There is a \$500.00 limit with no cash privileges.

Clerk Biven questioned the October 13, 2011 minutes pertaining to the Treasurer's (Jill Whitehouse) report. It was reported that the Main Street checkbook had not been reconciled since August of 2010. There are several outstanding issues. With this in mind Clerk Biven suggests revisiting the idea of an independent audit so as not to have anything out there unresolved and a starting point that has been independently verified. **Motion was made by Commissioner Nation and seconded by Mayor Pay to ask Verbeck and Kaleher CPA's to give a cost estimate of performing a review as an alternative to a full audit of the Main Street financials. Motion carried 5-0.**

Mr. Deapen informed the commission at the request of the Main Street committee a design proposal for the Taylorville Road Ditch Project was presented to the Board of Education seeking input as a stakeholder in the process. The Main St. Committee has not approved any plan and will not without bringing it to the City Commission first.

Mr. Deapen also informed the commission of personnel changes which he expects to occur this Thursday in the paid staff. He considers the recertification of Main Street a crisis and does not fill as though the response has been that of a crisis. Commissioner Spears stated that the first concern is for Main Street to be recertified second is to have an established Main Street Manager, which is a requirement and third, to obtain someone with the knowledge needed to help in the preparation of the recertification.

Item #4 – Public Comment

- a) Mark Clinton** (Early Wyne Road Bond) was not in attendance.
- b) Gary Kehne** (Floodwall Pump) was not in attendance.
- c) Bill Drury** ((City/County Water Rates) was not in attendance.

d) Michael Payne (De-Annexation of River Heights)

Attorney Charlie Tichenor and his client Michael Payne, the new owner of property in River Heights, requested de-annexation of the undeveloped section recently purchased by Mr. Payne and his wife. The new owners have no intent to develop the 147 acres but would like to farm the land, raise animals and build a personal residence without being required to meet sewer and road standards. **Motion was made by Commissioner Nation and seconded by Mayor Pay to allow legal counsel and City Clerk to work with Mr. Tichenor to begin the de-annexation process and to return to city commission for further action. Motion carried 5-0.**

e) Lawrence Trageser (Ethics)

Mr. Trageser spoke regarding his thoughts on the difference in city/county water rates and the ethics involved in that decision.

Item #5 – Old Business

a) Unsafe Structure Update

Clerk Biven informed the commission that Mickey Shouse had performed inspections at 503 and 505 Garrard Street. Mr. Shouse provided a list of violations and estimates of what he considers the repair costs to be. He values the repair costs to be greater than 50% of the property value. **Motion was made by Commissioner Ingram and seconded by Mayor Pay to move forward with a Notice to Proceed under Ordinance #86 for 503 and 505 Garrard Street, for the reasons filed in the complaint. Mayor Pay, Commissioner Waldrige, Commissioner Ingram and Commissioner Spears voted in favor. Commissioner Nation abstained. Motion carried 4-0.**

Motion was made by Mayor Pay and seconded by Commissioner Waldrige to approve payment of the invoice submitted by Mickey Shouse. Motion carried 5-0.

Commissioner Nation reviewed present condition of properties at 102 Garrard Street (Mock House) and a mobile home at 41 Carpenter Drive. For the reason that he filed the complaint Commissioner Nation will abstained from voting on the issue. For the reason that he is president of the foundation regarding the Mock House Mayor Pay will also abstain. **Motion was made by Commissioner Ingram and seconded by Commissioner Spears to move forward with Notices of Intent on 102 Garrard and 41 Carpenter Drive. Commissioner Waldrige, Commissioner Ingram and Commissioner Spears voted in favor. Commissioner Nation and Mayor Pay abstained. Motion carried 3-0.**

b) Cemetery Update

Clerk Biven provided commission with an easement and specifications of work to be performed at Mr. Jewell's property. City Attorney Dale stated that a boundary line agreement was still considered necessary. **Motion was made by Commissioner Nation and seconded by Mayor Pay to accept and present this information to Mr. Jewell. Motion carried 5-0.**

c) Fairgrounds water line/fire hydrant

Commissioner Nation stated that the Fairgrounds water line has been approved by Fiscal Court. County Judge Executive Karrer is to work on easement. Harold Compton, Public Works Director is to provide a description of the easement.

d) FEMA Grant & DLZ Pay Request

Mayor Pay gave an update of topics reviewed in the meeting. Clerk Biven stated that the application was submitted last week for the Taylorsville Drainage Project and that Clearing House items are to be addressed. He also reviewed the estimated line item budget stating that this may change according to the scope of the project.

Motion was made by Commissioner Nation and seconded by Mayor Pay to approve payment of the invoice submitted by DLZ in the amount of \$4188. Motion carried 5-0.

e) Pot Hole Update

Harold Compton, Public Works Director stated that construction on the salt building had started but progress had slowed down due to all the rain.

Pot holes are to be completed this week.

f) Other

Clerk Biven stated that Mark Clinton had been asked to sign the MOU between the City of Taylorsville and Early Wyne Plantation Inc. The purpose of the MOU is to provide for the asphalt top coat in the Early Wyne Plantation Subdivision. Mr. Clinton was also to renew the letter of credit. Mr. Clinton has not addressed these issues.

Commission recessed at this time

Item #6 – New Business

a) Department Reports

Financial Report – Randy McConnell provided the commission with cash analysis, overtime and deposit collateral reports. He also stated that the city is fully collateralized at all three banks. Mr. McConnell informed the commission that in reviewing revenue in the General Fund account, Insurance Premium stands at \$91,000, Occupational License Tax is \$128,000 through the first two quarters and Property taxes are \$100,000 year to date. Remaining balance for street repair and maintenance is \$20,371. The water revenue is \$30,000 over budget year to date. He also added that the Sanitary Sewer Evaluation Study has been finalized.

Public Safety

Police - A monthly schedule and activity report was provided by Chief Lewis. In reviewing the proposed MOU for Mutual Aid between the Spencer County Sheriff's Department and Taylorsville Police Department Chief Lewis said that he had found sections that would need corrections and would like additional time to review.

Fuel usage for the Police Department has been exceeding budget of over \$1,000 per month.

Fire – Chief Nation had no monthly report at this time.

General Government – At Mayor Pay's request Clerk Biven read aloud a resolution to reclassify the City of Taylorsville from a fifth class city to a fourth class city. **Motion was made**

by Mayor Pay to approve Resolution 2011-12 to reclassify the City of Taylorsville from a fifth class city to a fourth class city. Motion failed for lack of a second.

Clerk Biven informed the commission that the current chairman for the Ethics committee resides outside the city limits. **Motion was made by Commissioner Ingram and seconded by Commissioner Waldrige to appoint Lynn Faulkner as acting director. Motion carried 5-0.**

Item #7 - Legal

The second reading was given by City Attorney Dale of Ordinance #330, an Ordinance amending Ordinance 328, enacted and published June 29, 2010, which establishes new water and sewer rates, etc. as amended to identify sewer connection charges for residential, commercial and industrial property and to add sections 5 regarding rates to apply to all users of the system, section 6 regarding no building permit to be issued until all fees and charges have been paid, section 10 regarding billing, collection and penalty and section 11 regarding repealing any Ordinance in consistent herewith. **Motion was made by Commissioner Ingram and seconded by Commissioner Spears to approve Ordinance #330. Mayor Pay, Commissioner Spears, Commissioner Ingram and Commissioner Waldrige voted in favor. Commissioner Nation opposed. Motion carried 4-0.**

In reviewing the draft of a Municipal Order adopting conditions for individuals attending City meetings, Commissioner Nation asked if carrying a firearm in the open would be in violation of section one. Attorney Dale further explained the order stating that it was a grey issue with no penalty attached to it. Regarding section three; Penalties, any individual violating any provision of the Municipal Order will be subject to "immediate ejection" from the meeting; Commissioner Nation stated that a warning should be issued to the individual before action is taken. Attorney Dale agreed. He asked the Commission to review the order and comment back to him.

Item #8 - Elected Officials' Comments (Mayor & City Commissioners)

There were no comments at this time.

ADJOURN TO EXECUTIVE SESSION

Item #9 – Motion was made by Mayor Pay and seconded by Commissioner Nation to Adjourn to Executive Session under provisions of KRS 61.810 (1) (b) Deliberations on the future acquisition or sale of real property by a public agency (c) Discussions of proposed or pending litigation against or on behalf of the public agency (f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee. Motion carried 5-0.

RETURN TO OPEN SESSION

Item #10 – Motion was made by Commissioner Spears and seconded by Commissioner Waldrige to return to open session. Motion carried 5-0.

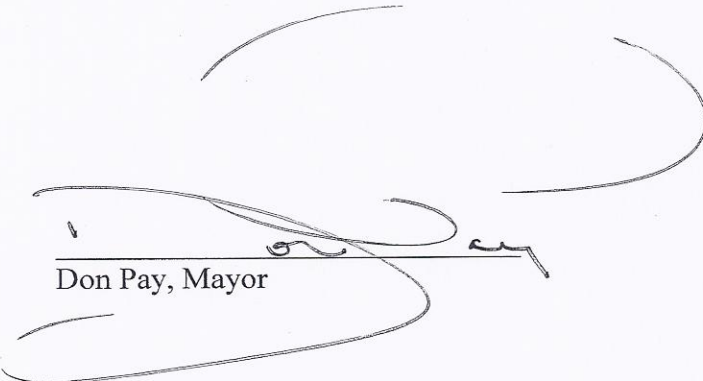
Item #11 - Motion made by Commissioner Nation and seconded by Commissioner Spears to hire Melinda Pulliam as a part-time Customer Service Representative at a rate of \$11/hr. for 3 days per week totaling 24 hours per week. Motion carried 5-0.

Item # 12 - Motion made by Commissioner Spears and seconded by Commissioner Nathan to enter into a contract for services with Gordon Deapen as the interim Main Street Manager until the city commission hires a full time Main St. Manager. Motion carried 5-0.

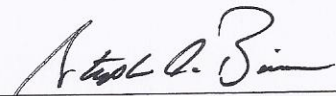
ADJOURN MEETING

Item # 13

Motion was made by Commissioner Waldrige and seconded by Commissioner Spears to adjourn. Motion carried 5-0.



Don Pay, Mayor



Stephen A. Biven, City Clerk